

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

WRIT PETITION NO.187 of 1994
WITH
SECOND APPEAL NO.669 OF 2001

Anandrao Genu Bhande Patil,
since deceased through his L.Rs
.... and anr. Petitioners

Vs

1. State of Maharashtra and ors. Respondents.

Mr A.A.Kocharekar, for the petitioners.
Mr.P.J.Shinde, for respondent no.6 (absent).

CORAM : D.B.BHOSALE, J.

DATED : 18TH MARCH, 2006

P.C.:

1. This petition is directed against the orders passed by the Courts below in the proceedings arising from Exhibit-5-application. The writ petition was admitted by this Court on 12th July, 1994. While admitting the petition, the following order was passed.

"Rule returnable early. Ad-interim relief in terms of prayer clause (c).

In the meanwhile, the trial Court to hear and decide the suit as expeditiously as possible and in any event within six months from the date of receipt of the writ of this Court. The trial Court shall decide the suit on its own merit and uninfluenced in any manner by the observations made in the interlocutory proceedings."

I am informed that the suit and thereafter the First

Appeal have already been disposed of by the Courts below and now Second Appeal No.669 of 2001 is pending in this Court. The Second Appeal filed by the petitioners is directed against the concurrent findings recorded by the Courts below. The Second Appeal is pending for admission since 2001. I see no reason to keep this petition pending any more and I am satisfied that it can be disposed of by the following order.

(i) The interim relief in terms of prayer clause (c) operating since July, 1994 shall remain operative for a period of six weeks from today. It is open for the petitioners to obtain appropriate orders in Second Appeal No.669 of 2001 within the aforestated period. The writ petition is, accordingly disposed of.

(ii) Second Appeal No.669 of 2001 be placed before the appropriate learned Single Judge for admission.

(D.B.Bhosale, J.)